

claims. Accordingly, the patentability of the invention is established and the only issue is the scope of the claims.

Newton, Jr. discloses a starting block with pedals that have openings 50 to receive the spikes of the runner's shoes. The Examiner took the position that these openings could be considered molded "markings" in "standard units of measurements" as recited in original claims 1 to 4. The Examiner also recognized that the openings could not be considered distance markings in metric units as recited in claim 5.

Claim 1 has been amended to recite that the pedals contain distance markings in metric units or English units. The openings in the Newton, Jr. foot pedals are clearly not distance markings in metric units or English units. Accordingly, amended claim 1 recites patentable subject matter for the same reason original claim 5 recited patentable subject matter.

In view of the amendments and the above remarks, allowance of claims 1, 2, 4, and 5 is requested.

Respectfully submitted,

*Philip L. Bateman*

Philip L. Bateman

Attorney For Applicants

Registration No. 30,127

Telephone No. (217) 429-6400

#### **CERTIFICATE OF MAILING**

Philip L. Bateman certifies that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 12, 2005.

*Philip L. Bateman*

Philip L. Bateman